

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

IN RE: BOSTON SCIENTIFIC CORP.
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION

MDL No. 2326

THIS DOCUMENT RELATES TO THE CASES LISTED ON EXHIBIT A

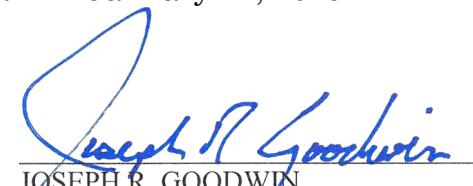
MEMORANDUM OPINION AND ORDER

Pending in the cases listed on Exhibit A attached hereto are motions to dismiss Boston Scientific Corp. (“BSC”) with prejudice for plaintiffs’ failure to serve Plaintiff Fact Sheets pursuant to deadlines and requirements established by the court’s previous pretrial order. No plaintiff on Exhibit A has responded to BSC’s motion filed in each individual case. The court finds, pursuant to Rules 16 and 37 of the Federal Rules of Civil Procedure and after weighing the factors identified in *Wilson v. Volkswagen of Am., Inc.*, 561 F.2d 494, 503-06 (4th Cir. 1977), the cases on Exhibit A should be dismissed without prejudice for failure to serve Plaintiff Fact Sheets in compliance with the court’s previous pretrial order.

Therefore, the court **ORDERS** that the motions to dismiss pending in the cases on Exhibit A are **GRANTED in part** to the extent BSC seeks dismissal and **DENIED insofar as BSC seeks dismissal with prejudice**. The court **ORDERS** that the cases on Exhibit A are dismissed without prejudice and stricken from the court’s docket.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: January 11, 2019



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

EXHIBIT A

Docket	Case Name
1	ALVAREZ, Marlene and Rodolfo Alvarez vs. Boston Scientific Corporation
2	ARMENDARIZ, Carmen and Jesus Armendariz vs. Boston Scientific Corporation
3	ASHMORE, Donna vs. Boston Scientific Corporation
4	BALLWEG, Karen vs. Boston Scientific Corporation
5	BAYBROOK, Stephanie and Robert Baybrook vs. Boston Scientific Corporation
6	BERG, Theresa and Bruce Berg vs. Boston Scientific Corporation
7	BORDER, Karen vs. Boston Scientific Corporation
8	Brickner v. Boston Scientific Corporation
9	Brooks v. Boston Scientific Corporation
10	BROWN-EASTER, Regina vs. Boston Scientific Corporation
11	BRUMMETT, Karen G. vs. Boston Scientific Corporation
12	BUCELLI, Megan Beth vs. Boston Scientific Corporation
13	BUCK, Janette vs. Boston Scientific Corporation
14	CALDWELL, Rochelle and Dwayne Caldwell vs. Boston Scientific Corporation
15	COLLINS, Janise L. vs. Boston Scientific Corporation
16	COLLINS, Deborah vs. Boston Scientific Corporation,
17	CURTNER, Cynthia and John Curtner vs. Boston Scientific Corporation
18	DAVIS, Tina vs. Boston Scientific Corporation
19	DUBOIS-JEAN, Margarette vs. Boston Scientific Corporation
20	ENRIQUEZ, Dorothy vs. Boston Scientific Corporation
21	FUSS, Justine and George Fuss vs. Boston Scientific Corporation
22	GARCIA, Roberta and Raynaldo Garcia vs. Boston Scientific Corporation
23	GIESER, Karen vs. Boston Scientific Corporation
24	GINN, Marylou vs. Boston Scientific Corporation
25	GOFORTH, Wilda vs. Boston Scientific Corporation

EXHIBIT A

Docket		Case Name
26	2:14-cv-06253	GREATHOUSE, Jenis vs. Boston Scientific Corporation
27	2:16-cv-05576	GRUBBS, Margarita and Jimmy Kenneth Grubbs vs. Boston Scientific Corporation
28	2:16-cv-03050	HALL, Carol and Steve Hall vs. Boston Scientific Corporation
29	2:13-cv-01731	HAMMONDS, Richelle L. vs. Boston Scientific Corporation
30	2:13-cv-28138	HARTNESS, Amy vs. Boston Scientific Corporation
31	2:15-cv-13092	HERBERT, Christine vs. Boston Scientific Corporation
32	2:14-cv-20861	HYLAND, Kimberly vs. Boston Scientific Corporation
33	2:18-cv-01205	Jacomet et al v. Boston Scientific Corporation
34	2:14-cv-00043	JIMENEZ, Kelli vs. Boston Scientific Corporation
35	2:13-cv-27794	Johnson et al v. Boston Scientific Corporation
36	2:14-cv-11987	WRIGHT, Veronica and Mark Lespinasse vs. Boston Scientific Corporation
37	2:14-cv-08046	YOCUM, Karen Topham and Richard Yocum vs. Boston Scientific Corporation
38	2:13-cv-17132	KILGORE, Margie and Donald Kilgore vs. Boston Scientific Corporation
39	2:13-cv-24491	KNIGHT, Pennie vs. Boston Scientific Corporation
40	2:18-cv-00334	Lappe et al v. Boston Scientific Corporation
41	2:15-cv-07256	LARIMORE, Angela vs. Boston Scientific Corporation
42	2:13-cv-16773	LARVIE, Lynda vs. Boston Scientific Corp.
43	2:18-cv-00556	Lloyd et al v. Boston Scientific Corporation
44	2:13-cv-04994	LUCERO, Rose and Robert Lucero vs. Boston Scientific Corporation
45	2:14-cv-21616	MACMILLAN, Ruth vs. Boston Scientific Corporation
46	2:13-cv-02846	MADDOX, Shirley vs. Boston Scientific Corporation
47	2:12-cv-08209	MARTIN, Teia Dion and Brad Neal Martin vs. Boston Scientific Corporation
48	2:12-cv-09004	MARTIN, Lucinda vs. Boston Scientific Corporation
49	2:14-cv-04321	MULLARKEY, Debra vs. Boston Scientific Corporation
50	2:14-cv-04114	MURRAH, Judy vs. Boston Scientific Corporation
51	2:16-cv-07996	NOTO, MaryAlice and Anthony Noto vs. Boston Scientific Corporation

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Docket		Case Name
52	2:16-cv-05563	NUNEZ, Velma Vaesa and Lorenzo Nunez vs. Boston Scientific Corporation
53	2:14-cv-13065	PAGE, Maureen Margaret and Daivd Page vs. Boston Scientific Corporation
54	2:13-cv-23052	PARKER, Anita Jo vs. Boston Scientific Corporation
55	2:14-cv-14068	PETERS, Elizabeth vs. Boston Scientific Corporation
56	2:16-cv-07652	PLUMMER, Jerri and Michael Plummer vs. Boston Scientific Corporation
57	2:15-cv-00904	PROCTOR, Elaine and George Sinclair vs. Boston Scientific Corporation
58	2:14-cv-06266	PRUITT, Alexis vs. Boston Scientific Corporation
59	2:14-cv-25446	REED, Irene vs. Boston Scientific Corporation
60	2:16-cv-03620	RICE, Betty and Steven L. Rice vs. Boston Scientific Corporation
61	2:13-cv-23031	RIOS, Terry and Wayne Budgell vs. Boston Scientific Corporation
62	2:12-cv-03188	ROBERTS, Joanna and Edward Roberts vs. Boston Scientific, Inc. and John Doe Corporations 1-50 (fictitious)
63	2:18-cv-00719	Rock v. Boston Scientific Corporation
64	2:13-cv-18311	RODRIGUEZ, Andrea and Arturo Cortez vs. Boston Scientific Corporation
65	2:14-cv-30521	RODRIGUEZ, Olivia A. vs. Boston Scientific Corporation
66	2:13-cv-27789	ROGERS, Kamelia vs. Boston Scientific Corporation
67	2:18-cv-00297	Rogers v. Boston Scientific Corporation et al
68	2:18-cv-01102	Rubio et al v. Boston Scientific Corporation
69	2:18-cv-00578	Sanders v. Boston Scientific Corporation et al
70	2:14-cv-30103	SCHEIBNER, Sharron K. vs. Boston Scientific Corporation
71	2:18-cv-01168	Selig v. Boston Scientific Corporation
72	2:14-cv-21181	SHEARER, Heather A. vs. Boston Scientific Corporation
73	2:14-cv-07062	SHIELDS, Joan Carol vs. Boston Scientific Corporation
74	2:12-cv-03317	SMITH, Sandra and John Smith vs. Boston Scientific, Inc. and John Doe Corporations 1-50 (fictitious)
75	2:16-cv-03070	THOMAS, Carolyn vs. Boston Scientific Corporation

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	Docket	Case Name
76	2:16-cv-01957	TOELLNER, Norma vs. Boston Scientific Corporation
77	2:13-cv-11695	TOON, Regina vs. Boston Scientific Corporation
78	2:13-cv-12261	TURNER, Daphne vs. Boston Scientific Corporation
79	2:13-cv-00503	WESTBY, Dorothy and Jerry L. Farquhar vs. Boston Scientific Corporation
80	2:14-cv-06297	WHATLEY, Jessica and Joshua Whatley vs. Boston Scientific Corporation